

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 10-14, 16, and 18-27 are pending. In the present amendment, Claims 10, 16, 18, and 25 are currently amended and Claim 15 is canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 16, lines 1-20, in Figure 3, and in Claim 15. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 10, 13, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi (U.S. Publication No. 2001/0008718) in view of Jungreis (U.S. Publication No. 2003/0113595), Yakes et al. (U.S. Patent No. 6,885,920, hereinafter “Yakes”), and Kato (U.S. Publication No. 2002/0102447); Claims 11, 12, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Jungreis, Yakes, and Kato, and further in view of Seto (International Publication No. WO 94/21481); Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Jungreis, Yakes, and Kato, and further in view of Singh et al. (U.S. Patent No. 6376,116, hereinafter “Singh”); Claims 18 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Seto, Yakes, and Kato; Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Jungreis, Yakes, and Kato, and further in view of Lutteke et al. (U.S. Patent No. 5,961,189, hereinafter “Lutteke”); Claims 21 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Jungreis, Yakes, Kato, and Seto, and further in view of Dunn (U.S. Publication No. 2003/0075643); Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Seto, Yakes, and Kato, and further in view of Lutteke; and Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, Seto, Yakes, and Kato, and further in view of Dunn.

Turning now to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Independent Claim 10 recites a method of recovering electric energy with an electric energy recovery system in a motor vehicle. This method comprises determining instantaneous electric power storage capacity of the energy storage which is released when the excess electric power is strictly positive. The electric power storage capacity includes a storage capacity of at least one electric battery, a heat accumulator, a vacuum accumulator, and a pressure accumulator.<sup>1</sup> Accordingly, in the method recited in amended Claim 10, the power storage capacity takes into account not only the capacity of the electric batteries, but also the capacity of the heat accumulator, the vacuum accumulator, and the pressure accumulator. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 10.

The Office Action, on page 3, relies on Kobayashi as describing the determining electric energy storage capacity of energy storage that was previously recited in step c). However, as Kobayashi only describes storing excess power in a battery, Kobayashi does not disclose or suggest the amended determining step.

As Jungreis does not disclose or suggest a heat accumulator, a vacuum accumulator, or a pressure accumulator, Jungreis does not cure the above-noted deficiency of Kobayashi.

Yakes is relied on in the first paragraph on page 5 of the Office Action as describing a hydraulic accumulator. Specifically, Yakes describes that an energy storage device 1926 can be a hydraulic accumulator.<sup>2</sup> However, Yakes does not disclose or suggest determining a storage capacity of the hydraulic accumulator or taking the storage capacity into account when deciding whether to store excess electrical power in the hydraulic accumulator. Thus, Yakes does not cure the above-noted deficiencies of Kobayashi in view of Jungreis.

---

<sup>1</sup> See the original specification, for example, at page 16, lines 1-20.

<sup>2</sup> See Yakes, at column 52, lines 13-15.

Kato also describes a pressure accumulator in paragraph [0066]. However, similar to Yakes, Kato does not disclose or suggest determining a storage capacity of the pressure accumulator or using the storage capacity of the pressure accumulator in determining whether to store excess electric power.

Accordingly, it is respectfully submitted that the cited combination of Kobayashi in view of Jungreis, Yakes, and Kato does not disclose or suggest every feature recited in independent Claim 10. Thus, it is respectfully requested that the rejection of Claim 10, and all claims dependent thereon, as unpatentable over Kobayashi in view of Jungreis, Yakes, and Kato be withdrawn.

Regarding the rejection of Claims 11, 12, and 16, the Office Action cites Seto in addition to Kobayashi, Jungreis, Yakes, and Kato. Seto describes heat accumulating means 30, 34 to help the air conditioner run more efficiently.<sup>3</sup> Further, Seto describes that the heat accumulator is stocked with heat from electric power generated by regenerative engine braking.<sup>4</sup> Further, Seto describes that the air conditioning can be turned off when the air conditioner is sufficiently charged.<sup>5</sup> Thus, Seto does not disclose or suggest taking into account a storage capacity of the heat accumulator when determining whether to store excess power. On the contrary, Seto describes turning off the air conditioner instead of determining a capacity of the heat accumulator. Further, as Seto describes that the power is generated from regenerative braking, it would not be necessary to determine the capacity of the heat accumulator since the regenerative braking will continue to generate power as long as braking occurs. Thus, Seto does not cure the above-noted deficiencies of Kobayashi in view of Jungreis, Yates, and Kato. Accordingly, it is respectfully requested that the rejection of Claims 11, 12, and 16 be withdrawn.

---

<sup>3</sup> See Seto, at column 8, lines 13-37.

<sup>4</sup> See Seto, at column 8, lines 13-37.

<sup>5</sup> See Seto, at column 9, lines 39-56.

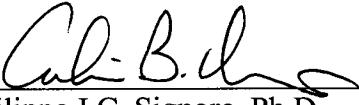
Turning now to the remaining secondary references (Singh, Lutteke, and Dunn), it is respectfully submitted that none of these references cure the above-noted deficiencies of Kobayashi, Jungreis, Yakes, Kato, and Seto. Thus, it is respectfully submitted that Claim 10, and all claims dependent thereon, patentably define over any of the cited combinations of references. Thus, it is respectfully requested that the remaining rejections of these claims be withdrawn.

Independent Claim 18, while directed to an alternative embodiment, recites features similar to those discussed above with respect to Claim 10. Thus, it is also respectfully requested that the rejections of Claim 18, and all claims dependent thereon, be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

  
Philippe J.C. Signore, Ph.D.  
Attorney of Record  
Registration No. 43,922

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/09)

Colin B. Harris  
Registration No. 58,969